

# Notice of Allowability

Application No.

10/617,005

Examiner

Robert J. McCarry, Jr.

Applicant(s)

JACOB, CHARLES

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the application filed on 07/10/03.
2. ☒ The allowed claim(s) is/are 1-23.
3. ☒ The drawings filed on 10 July 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance: applicant recites a vehicle for moving railcars comprised of a semi-tractor type road vehicle. At the rear end of the road vehicle is a load shifting device having a raised position and a lowered position and including a set of rail wheels. Moveably attached to the load shifting device, and above the rear rail wheels, is a lifting coupler configured to connect to the coupler of an adjacent railcar. The vehicle is further comprised of an air bag suspension system including air bags positioned above the drive wheels to support the semi-tractor and a coupler airbag positioned below the lifting coupler for applying an upward force on the lifting coupler when inflated. This airbag allows for a portion of the weight of the coupled railcar to be transferred and supported by the rear drive wheels of the semi-tractor.

The prior art made of reference, taken singularly or in combination, does not adequately disclose the features recited in the instant claims. Specifically, the prior art reference of Bush (US 5,740,742) discloses a road vehicle for moving railcars having a coupler mounted on the rear end of the vehicle. However, Bush does not disclose the use of a lifting coupler or an air bag suspension system. The prior art reference of Madison (US 5,868,078) discloses a road vehicle for moving railcars having a coupler mounted at the rear end and a wheel set for engaging rails that raises and lowers. The rail wheel set utilizes an air bag suspension, however this is to lower the wheelset and is not associated with the coupler like that of the instant application. The prior art of Semple et al (US 6,598,538) discloses a rail wheel that is raised and lowered by means

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of an air bag. However, the device is not used in conjunction with a coupler on a vehicle.

The features recited in the independent claims, in combination with the features recited in the following dependent claims, are found to be in condition for allowance.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert J. McCarry, Jr. whose telephone number is (703) 305-0581. The examiner can normally be reached on Monday through Friday 8:00am to 5:00pm.

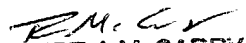
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, S. Joseph Morano can be reached on (703) 308-0230. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RJM

May 13, 2004

  
ROBERT J. McCARRY, JR.  
PATENT EXAMINER  
3617

  
S. JOSEPH MORANO  
SUPERVISORY PATENT EXAMINER  
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